

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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GEORGE S. HOFMEISTER FAMILY TRUST, et  
al,

Plaintiffs,

Case No. 06-CV-13984-DT

v.

FGH INDUSTRIES, LLC, et al,

Defendants.

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**ORDER TERMINATING AS MOOT PLAINTIFF'S MAY 10, 2007  
"MOTION FOR SUMMARY JUDGMENT REGARDING COUNT VIII"**

On September 26, 2007, the court granted in part and denied in part "Defendants Fuhrman and Gruits' Motion to Compel." (9/26/07 Order at 17-18.) Importantly, the court granted Defendants' motion that Count VIII proceed to arbitration. As a result, the court will terminate as moot Plaintiffs' pending motion for summary judgment on Count VIII. Accordingly,

IT IS ORDERED that, pursuant to the court's order compelling arbitration, "Plaintiff's Motion for Summary Judgment Regarding Count VIII of Their Complaint" is TERMINATED AS MOOT.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: October 5, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 5, 2007, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522